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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,588	10/18/2001	Scott D. Sturgeon	10001084-1	2880

7590 10/16/2003  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

VO, ANH T N

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/035,588

Applicant(s)  
STURGEON ET AL.

Examiner  
Anh T. N. Vo

Art Unit  
2861



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 07/07/2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved. b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## NON-FINAL REJECTION

### *Response to Applicant's Amendment*

The objection to the claims is withdrawn in view of the amendments to the claims.

The rejections over Morita et al. (US Pat. 6,390,601), Sasaki (US 5,815,183) and Nozawa et al (US 6,102,533) are withdraw in view of the arguments presented in the amendments.

The prior art newly found necessitated a new ground of rejection as below:

### *CLAIM REJECTIONS*

#### *Claim Rejections - 35 U.S.C. § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Suzuki et al (US 5,622,439).

Suzuki et al. disclose in Figures 1-5 an ink jet recording apparatus comprising:

- receiving station (1) having an unmarked fluid inlet (12) and a pair of guide slots (35);

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- an ink container (2a, 2b) having a fluid outlet (not shown), a first guide feature (49) located at a trailing end relative to an insertion direction (C); and
- wherein the first guide feature (49) to cooperate with one guide slot (35) to guide the ink container (2a, 2b) in a pivoted motion.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 102 (e) as being anticipated by Morita et al. (US Pat. 6,390,601) in view of Suzuki et al (US 5,622,439) and further in view of Kashimura et al (US 5,847,731).

Note: The method steps are inherently taught in the apparatus device/limitations in the rejections as follow:

Morita et al. disclose in Figures 7, 9B, 9D, 9F, 12 and 18 an ink jet recording apparatus comprising:

- a receiving station (36) having slots (38a-38b, 39a, 39b);
- a guide feature (33a, 33b) outwardly extending therefrom, the guide feature disposed toward a leading end relative to an insertion direction (Figure 9B);

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- wherein the guide feature (33a, 33b) is configured to cooperate with the at least one guide slot (38a, 38b) to guide the ink container (30) in a pivot motion to ensure the ink container engages the inherent compliant seal forming a seal therewith (Figure 9D);

However, Morita et al does not disclose a guide slot engagement features disposed toward the leading end and the trailing end of the ink container.

Nevertheless, Suzuki et al teaches a printing device in Figure 5 comprising an ink container (2) having a slot feature (49) positioned toward the trailing end for guiding the trailing end of the ink container during insertion.

Kashimura et al teaches in Figures 6A-6D a printing device comprising an ink container (10) having a slot feature (10b) for guiding the leading end of the ink container during insertion.

It would have been obvious to a person having skill in the art at the time the invention was made to incorporate the teaching of the slot feature disposed toward the trailing end and the leading end of the ink container taught by Suzuki et al and Kashimura et al in the device of Morita et al for the purpose of guiding the leading end and the trailing end of the ink container during insertion that would prevent the ink container from damage due to misalignment between the ink container and the holder.

With regard to claim 9, the slot feature (49) of Suzuki et al is disposed on a center axis along a minor axis of the ink container while the slot feature (10b) of Kashimura et al is not disposed on the center axis. However, a skilled artisan recognizes that the position of the slot feature (10b) can be rearranged to accommodate with the holder. Thus, rearranging the position for the slot features is considered to be a matter of a mechanical design expedient for an engineer.

With regard to claims 13 and 16, the guide rail is read on the element (20h) in Figures 6A-6B of Kashimura et al.

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***Response to Applicant's Arguments***

The applicant's arguments that the guide features (33a, 33b) of Morita et al are not disposed toward the trailing end. The argument is persuasive. However, this limitation is disclosed in the Suzuki et al reference as discussed above.

***CONCLUSION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (703) 305-8194. The examiner can normally be reached on Monday to Friday from 8:00 A.M. to 4:00 P.M.

The fax number of this Group 2800 is (703) 305-3431 or 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308- 0956.



**ANH T.N. VO**  
**PRIMARY EXAMINER**  
October 1, 2003